

REMARKS

Response to Objection of Claims 40 and 63

In the February 5, 2002 Office Action, the Office objected to claims 40 and 63 due to a minor informality. Specifically, the Office believes that the term "abstracted" should be replaced with --extracted--. Applicants used the term "abstraction" in the specification (see page 15, first paragraph, last sentence) to define the process of removal of oxygen during the electrode forming step. Applicants have included herewith a copy of the definition of the term "abstracted" from The American Heritage Dictionary (see Appendix C). The term "abstracted" is defined as "removed or separated from something" and this is definition that applicants intended for use of the term in the present specification and claims. According, applicants are requesting that the Office withdraw the objection regarding applicants' choice of terms used in the specification and claims.

Rejection of Claims and Traversal Thereof

In the February 5, 2002 Office Action,

claims 40-55 and 61-63 were rejected under 35 U.S.C. §112, first paragraph; and

claims 40-43, 45-47, 49-55 and 63 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,300,212 I(Inoue, et al.) and

claims 44, 48, 61 and 62 were rejected under 35 U.S.C. §103 as being unpatentable over Inoue, et al. and in further view of U. S. Patent No. 6,020,643 (Fukuzumi, et al).

These rejections are traversed and reconsideration of the patentability of the pending claims is requested in light of the following remarks.

Rejection under 35 U.S.C. § 112, first paragraph

Claims 40-55 and 61-63 were rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

According to the Office, the claim language;

“implies that the oxygen concentration throughout the ferroelectric oxide or high ϵ oxide material is completely stoichiometric, which is not supported by the specification, even though the specification supports the subject matter that the ferroelectric oxide or high ϵ oxide material at the upper surface and the vicinity thereof is substantially stoichiometrically complete in oxygen concentration....”

Applicants have amended claims 40 and 63 to include language directly from the specification that explicitly describes microelectronic devices comprising a ferroelectric oxide or high ϵ oxide film layer that is stoichiometrically complete in oxygen not only on the top-surface of the ferroelectric oxide or high ϵ oxide film layer but throughout the ferroelectric oxide or high ϵ oxide film layer. Specifically, the specification states that one of the objects of the present invention is “to provide a microelectronic device structure including a ferroelectric or high ϵ film material overlaid with a top electrode structure, wherein the ferroelectric or high ϵ material is stoichiometrically non-deficient - i.e., is stoichiometrically satisfied - in oxygen content, even at the surface region of the ferroelectric or high ϵ film material adjacent to the TE layer.” (see the bottom of page 4 to the top of page 5 of the instant specification). Further, on page 16, line 22, the specification expressly states that the “oxygen in said ferroelectric oxide or high ϵ oxide film material is in proper stoichiometric proportion to metal cations therein.” Still further, it is stated on page 16, second paragraph, the amount of oxygen is maintained during the earlier portions of the growth process for the PZT material at a level (by appropriate partial pressure, absolute pressure and concentration) that is in the proper stoichiometric amount for PbZrTiO_3 formation. Clearly, one skilled in the art reading the above described statements would **know** that the applicants, at the time the application was filed, had possession of the claimed invention.

It should be noted that the Office bears the burden of presenting a *prima facie* case of unpatentability and insofar as the written description requirement is concerned, that burden is discharged only by “presenting evidence or reasons why persons skilled in the art would not recognize in the disclosure a description of the invention defined by the claims.” *In re Wertheim*, 191 USPQ 97 (CCPA 1976). Further, if the specification, such as in the present case, contains a description of the claimed invention albeit not *in ibsis verbis*, the Office in order to meet the burden of proof, must provide reasons why one of ordinary

skill in the art would not consider the description sufficient. *In re Alton*, 37 USPQ2d 1578 (Fed. Cir. 1996). The Office has not met this burden. As stated by the Court in *In re Eickmeyer*¹, “[A] statement of appellant’s invention [in his specification] which is as broad as appellant’s broadest claims is sufficient to meet this requirement.” Applicants have met this requirement and request the description rejection be withdrawn.

Rejection under 35 U.S.C. §102(e)

Claims 40-43, 45-47, 49-55 and 63 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,300,212 (Inoue, et al.). Enclosed and submitted herewith is a Declaration under 37 CFR §1.131 executed by the inventors. The Declaration attests to facts showing completion and possession of the claimed invention prior to the effective date of the following reference cited in the February 5, 2002 Office Action against the claims currently pending in the application.

Reference	Effective Date
Inoue, et al.	July 29, 1998 (35 U.S.C. §102(e))

The Declaration includes appended Exhibit 1.

Exhibit 1 is a copy of pages 1-2 of an Invention Disclosure Document, titled “[O]xidizing top electrode deposition process”, on which all dates have been blacked out, but which dates, and the date of the document, are prior to the effective date of the Inoue, et al. reference.

The Invention Disclosure Document identifies co-inventors Peter C. Van Buskirk, Steven M. Bilodeau, Stephen T. Johnston, Daniel J. Vestyck, and Michael W. Russell, as writers of the document, and discusses the need for preventing “the ferroelectric or high ϵ film from becoming oxygen deficient during TE deposition.” Page 1 discusses the need for preventing the ferroelectric or high ϵ film from becoming oxygen deficient during TE deposition. (see last paragraph in Section (1)). Page 2, discusses different methods for preventing oxygen deficiency in the ferroelectric film, including top electrode deposition techniques and PZT deposition techniques as described in the present specification. This statement provides further evidence that applicants envisioned a microelectronic device that comprised a ferroelectric or high ϵ film that was stoichiometrically satisfied in oxygen content, even at the surface region of the ferroelectric or high ϵ film material adjacent to the TE layer.

¹ *In re Eickmeyer*, 202 USPQ 655 (CCPA 1979)

Exhibit 1 in addition to the enclosed Declaration shows completion and possession of the instant claimed invention prior to the effective date of the Inoue, et al. reference.

Accordingly, applicants respectfully request the withdrawal of the rejection of claims 40-43, 45-47, 49-55 and 63 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,300,212 I(Inoue, et al.).

Rejection under 35 U.S.C. §103(a)

In the February 5, 2002 Office Action, the only remaining issue included a rejection under 35 U.S.C. §103(a) based on a combination of Inoue, et al. and Fukuzumi, et al. The obviousness rejection relies on Inoue, et al. as the primary reference. As stated above, applicants have filed herewith a Declaration under 37 CFR §1.131 executed by the inventors and attesting to facts showing completion and possession of the presently claimed invention prior to the effective date of the Inoue, et al reference thereby removing the Inoue, et al. as competent prior art.

The Office admits that Inoue, et al. does not expressly disclose that Pt oxide, Rh or Rh oxide can be used for a top electrode. In an attempt to remedy the shortcomings of the Inoue, et al., the Office has cited Fukuzumi, et al. for disclosing a top electrode fabricated of Pt oxide, Rh or Rh oxide. However, Inoue, et al. is no longer competent prior art and the Fukuzumi, et al., reference, either alone or combined with Inoue, et al. does not render applicants' claimed invention *prima facie* obvious.

According to MPEP 706.02(j):

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir 1991)."

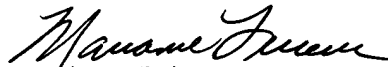
The Fukuzumi, et al. reference describes devices and methods of forming such devices comprising a plurality of contact holes at different depths that prevent electrical potential variations of an upper electrode during the contact hole formation step. The reference does not in any way disclose, teach or suggest the presently claimed invention to form a microelectronic device that comprises a ferroelectric or

high ϵ film that is stoichiometrically satisfied in oxygen content. In light of the above discussion and the fact that the Office has not met its burden of establishing a *prima facie* case of obviousness, applicants request that the rejection of claims 44, 48, 61 and 62 on the basis of obviousness, be withdrawn.

CONCLUSION

Applicants have satisfied the requirements for patentability. All pending claims are free of the art and fully comply with the requirements of 35 U.S.C. §112. It therefore is requested that Examiner Hu reconsider the patentability of claims 40-55 and 61-63, in light of the distinguishing remarks herein, and withdraw all rejections, thereby placing the application in condition for allowance. Notice of the same is earnestly solicited. In the event that any issues remain, Examiner Hu is requested to contact the undersigned attorney at (919) 419-9350 to resolve same.

Respectfully submitted,



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Appendix A –Version with Markings to Show Changes Made

40. (Twice amended) A microelectronic device structure including a top electrode layer on a top surface of a ferroelectric oxide or high ϵ oxide film material, wherein said ferroelectric oxide or high ϵ oxide film material is stoichiometrically satisfied in oxygen content, [stoichiometrically complete in oxygen content throughout,] including the top surface region of the ferroelectric oxide or high ϵ oxide film material, and wherein the top electrode layer does not contain oxygen abstracted from the thin film of ferroelectric or high ϵ material underneath.

63. (Amended) A ferroelectric or high ϵ capacitor comprising:

a bottom electrode layer formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides, and compatible mixtures and alloys thereof;

a thin film of a ferroelectric or high ϵ material over the bottom electrode, wherein the material is stoichiometrically satisfied in oxygen content, [stoichiometrically satisfied in oxygen content throughout,] including the surface region of the material adjacent to the top electrode layer;

a top electrode layer on the thin film of ferroelectric or high ϵ material, which is formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides and compatible mixtures and alloys thereof, wherein the top electrode layer does not contain oxygen content abstracted from the thin film of ferroelectric or high ϵ material underneath.

Appendix B – All Pending Claims

40. (Twice amended) A microelectronic device structure including a top electrode layer on a top surface of a ferroelectric oxide or high ϵ oxide film material, wherein said ferroelectric oxide or high ϵ oxide film material is stoichiometrically satisfied in oxygen content, including the top surface region of the ferroelectric oxide or high ϵ oxide film material, and wherein the top electrode layer does not contain oxygen abstracted from the thin film of ferroelectric or high ϵ material underneath.
41. A microelectronic device structure according to claim 40, wherein said ferroelectric or high ϵ film comprises an oxide perovskite or layered structure perovskite.
42. A microelectronic device structure according to claim 40, wherein said ferroelectric or high ϵ film comprises a material selected from the group consisting of lead zirconium titanate, barium and/or strontium titanates, and strontium bismuth tantalates.
43. A microelectronic device structure according to claim 40, wherein said ferroelectric or high ϵ film comprises a lead zirconium titanate material.
44. A microelectronic device structure according to claim 40, wherein said ferroelectric or high ϵ film comprises a barium and/or strontium titanate material.
45. A microelectronic device structure according to claim 40, wherein said ferroelectric or high ϵ film comprises a strontium bismuth tantalate material.
46. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises a material selected from Pt, Pt oxides, Ir, Ir oxides, Pd, Pd oxides, Rh, Rh oxides, and compatible mixtures and alloys of the foregoing.
47. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises a Pt material.

48. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises a Pt oxide material.
49. A microelectronic device structure according to claim 40, wherein said top electrode layer is formed of Ir.
50. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises an Ir oxide material.
51. A microelectronic device structure according to claim 40, wherein the top electrode layer is formed of Ir or IrO₂.
52. A microelectronic device structure according to claim 40, wherein the top electrode is formed in an oxygen-enriched environment.
53. A microelectronic device structure according to claim 40, wherein said top electrode is formed of a metallic non-oxide material by sputtering in the presence of oxygen.
54. A microelectronic device structure according to claim 40, wherein said top electrode is formed of a noble metal that is formed by evaporation of a noble metal source material in the presence of oxygen.
55. A microelectronic device structure according to claim 40, wherein the top electrode layer is formed of a noble metal by a chemical vapor deposition process that incorporates oxygen.
61. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises Rh.
62. A microelectronic device structure according to claim 40, wherein said top electrode layer comprises a Rh oxide material.
63. (Amended) A ferroelectric or high ϵ capacitor comprising:

a bottom electrode layer formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides, and compatible mixtures and alloys thereof;

a thin film of a ferroelectric or high ϵ material over the bottom electrode, wherein the material is stoichiometrically satisfied in oxygen content, including the surface region of the material adjacent to the top electrode layer;

a top electrode layer on the thin film of ferroelectric or high ϵ material, which is formed of a material selected from the group consisting of Ir, Ir oxide, Rh, Rh oxides and compatible mixtures and alloys thereof, wherein the top electrode layer does not contain oxygen content abstracted from the thin film of ferroelectric or high ϵ material underneath.

APPENDIX C

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